



General Assembly

**Substitute Bill No. 17**

February Session, 2006

\* SB00017LAB\_\_030806\_\_ \*

**AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS'  
COMPENSATION COVERAGE FOR PUBLIC SAFETY DISPATCHERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of section 31-275 of the 2006 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2006*):

4 (1) "Arising out of and in the course of his employment" means an  
5 accidental injury happening to an employee or an occupational disease  
6 of an employee originating while the employee has been engaged in  
7 the line of the employee's duty in the business or affairs of the  
8 employer upon the employer's premises, or while engaged elsewhere  
9 upon the employer's business or affairs by the direction, express or  
10 implied, of the employer, provided:

11 (A) (i) For a police officer or firefighter, "in the course of his  
12 employment" encompasses such individual's departure from such  
13 individual's place of abode to duty, such individual's duty, and the  
14 return to such individual's place of abode after duty;

15 (ii) For an employee of the Department of Correction or a public  
16 safety dispatcher, (I) when responding to a direct order to appear at his  
17 or her work assignment under circumstances in which nonessential  
18 employees are excused from working, or (II) following two or more

19 mandatory overtime work shifts on consecutive days, "in the course of  
20 his employment" encompasses such individual's departure from such  
21 individual's place of abode directly to duty, such individual's duty,  
22 and the return directly to such individual's place of abode after duty;

23 (iii) Notwithstanding the provisions of clauses (i) and (ii) of this  
24 subparagraph, the dependents of any deceased employee of the  
25 Department of Correction who was injured in the course of his  
26 employment, as defined in this subparagraph, on or after July 1, 2000,  
27 and who died not later than July 15, 2000, shall be paid compensation  
28 on account of the death, in accordance with the provisions of section  
29 31-306, as amended, retroactively to the date of the employee's death.  
30 The cost of the payment shall be paid by the employer or its insurance  
31 carrier which shall be reimbursed for such cost from the Second Injury  
32 Fund as provided in section 31-354, as amended, upon presentation of  
33 any vouchers and information that the Treasurer may require;

34 (B) A personal injury shall not be deemed to arise out of the  
35 employment unless causally traceable to the employment other than  
36 through weakened resistance or lowered vitality;

37 (C) In the case of an accidental injury, a disability or a death due to  
38 the use of alcohol or narcotic drugs shall not be construed to be a  
39 compensable injury;

40 (D) For aggravation of a preexisting disease, compensation shall be  
41 allowed only for that proportion of the disability or death due to the  
42 aggravation of the preexisting disease as may be reasonably attributed  
43 to the injury upon which the claim is based;

44 (E) A personal injury shall not be deemed to arise out of the  
45 employment if the injury is sustained: (i) At the employee's place of  
46 abode, and (ii) while the employee is engaged in a preliminary act or  
47 acts in preparation for work unless such act or acts are undertaken at  
48 the express direction or request of the employer;

49 (F) For purposes of subparagraph (C) of this subdivision, "narcotic

50 drugs" means all controlled substances, as designated by the  
 51 Commissioner of Consumer Protection pursuant to subsection (c) of  
 52 section 21a-243, but does not include drugs prescribed in the course of  
 53 medical treatment or in a program of research operated under the  
 54 direction of a physician or pharmacologist. For purposes of  
 55 subparagraph (E) of this subdivision, "place of abode" includes the  
 56 inside of the residential structure, the garage, the common hallways,  
 57 stairways, driveways, walkways and the yard;

58 (G) The Workers' Compensation Commission shall adopt  
 59 regulations, in accordance with the provisions of chapter 54, to  
 60 implement the provisions of this section and shall define the terms "a  
 61 preliminary act", "acts in preparation for work", "departure from place  
 62 of abode directly to duty" and "return directly to place of abode after  
 63 duty" on or before January 1, 2006.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	31-275(1)

**LAB**      *Joint Favorable Subst.*